

To: CALFED Bay-Delta Program Staff
Rick Breitenbach, Ray McDowell, Wendy Halverson-Martin

From: Kathy Kelly, DWR

Re: DWR's Key issues of the CALFED Administrative Draft PEIR/S

DWR staff has completed their review of the Administrative Draft. All comments have been incorporated into the table format per your specifications. We will be providing a copy of the table and the computer file of the table to you at our meeting on Monday. After reviewing the comments, Chuck Vogelsang and I have identified the following key issues. There are six issues listed, as opposed to the requested five.

1. Overall presentation.

More thought should be given to how the layperson is going to view this document and, if he or she decides to delve into it, how to guide them through it. Recommendations for improvements to the presentation are identified in DWR's comment table with a "P". The significant ones related to the public viewer follow.

a. Right at the beginning of the document, the overall vision should be presented that illustrates how storage, conveyance, the ERP, water quality, water use efficiency, levee stability, and all the other components are to fit into the solution. It would be inspiring, not gushy, primarily because of the scope and sincerity of the undertaking. This discussion would be followed by a simple statement of the purpose of the Programmatic EIR/S, mention that the reader could skip to the Phase II chapter to read about the final selection process, that a guide to the document is included, and mention other documents that may be of more interest to them (along with a phone number for obtaining them).

b. Address issues that we know are out there directly in the appropriate section. The issue of the need for an independent

implementation entity for assurances, or ecosystem restoration, or the entire program are examples. Other examples are issues associated with third party impacts, common Delta pool, and the water use efficiency program.

2. Adaptive Management.

The text defining or referencing Adaptive Management has gotten mixed reviews from DWR staff. I think this is because it is not clearly and consistently presented in the document. Adaptive management is an important concept to the Program and mechanism for implementing the components of the Program. The concept can easily be degraded to an excuse for misguided efforts so careful consideration needs to be given of how adaptive management is presented. Relevant comments contained in DWR's comment table follow.

- a. The discussion on page 1-3 isn't clear. The discussion in section 1.5.4 is pretty good but it doesn't address the issue of what entity (ies) are in charge. The text should address this issue directly, not presenting an answer but capturing the issue correctly. Examples of how adaptive management would work and at what level it could be done in the CALFED long-term solution structure would be helpful.
- b. The framework can be developed as Phase III proceeds not necessarily during the transition between Phases II and III. (see page 1-3)
- c. Any reference to adaptive management needs to be very consistent with the description as presented in Chpt. 1. On page 2-10, Levee program, adaptive management is referred to in the development of best management practices. Some of the levee program appears to be research efforts (it better be research, otherwise CALFED is proposing extensive land use changes in the Delta!). The discussion on page 2-10 should discuss the process for testing and developing these practices so the reader gets a sense

of the scale of the endeavors and how research fits into an adaptive management process.

3. Cumulative Impacts

This section is going to get a lot of public attention and project proponent attention. The discussion of these projects' impacts needs to be as objective as possible. CALFED agency staff familiar with these projects should review and possibly rewrite the appropriate section of text to make sure it is correct.

CALFED staff should evaluate the rewritten chapter in its entirety to assure it presents the information objectively. Also, some projects are not included in the draft. The criteria for the selection of projects should be included. Without the benefit of knowing the criteria for selecting projects, Rich Breuer has listed some other projects that should be considered for inclusion. They follow.

1. City of Tracy – Wastewater -Currently discharges to Old River. They forecast an increased discharge from 9 to 15 mgd in the near future, with expansion to 32.5 mgd projected for year 2012. Contact: Lydia Holmes –Carollo Engineers (510) 932-1710 . City of Tracy Contact – Steve Bayley
2. Mountain House Project – same area as City of Tracy's discharge. Large housing development, marina, wastewater treatment plant. Contact Kitty Walker Senior Planning –San Joaquin County Community Development Department (209) 468-3144
3. Discovery Bay –Byron Tract –Recently switched over to UVA treatment of wastewater. Planned future expansion of treatment plant.
4. Gold Rush City – City Of Lathrop – Large planned community, marinas, golf courses, and amusement park. Adjacent to the San Joaquin River.
5. City of Stockton. – Stockton plans to divert water for municipal use and potentially may increase wastewater

discharge. No contact person known.

6. Barker Slough Watershed Management Project (Solano County Water Agency)

7. City of Tracy Westside Channel Outfall System. Planned storage and discharge of storm water runoff to Old River.

4. Any information related to the ISDP.

As the State lead agency for ISDP, DWR is particularly sensitive about the information presented about the ISDP. Staff review has identified some errors in the document related to the ISDP. They are included in DWR's comment table. We need to check to see if the information in the PEIS/R regarding the ISDP is consistent with the ISDP public draft EIR/S. We would like to continue to work with the CALFED staff to address some of our concerns about the accuracy of the info on the ISDP and to examine more closely what ISDP facilities are included in the 12 configurations.

5. Impact analyses-- consistency in terms.

The environmental impact analyses should be consistent and better explained. The impact analyses sections use terms like "negligible," "moderate adverse impact" and "potentially adverse impact." Although not incorrect, the use of these terms makes it difficult to determine the need for mitigation measures and writing findings required by CEQA. Consider identifying impacts as only "significant" or "less than significant." Propose mitigation measures for those impacts that are significant. Add explanation to the mitigation strategies sections and discuss the technical, economic and regulatory feasibility of the proposed mitigation. Those significant impacts that cannot be mitigated should be identified as "unavoidable". The impact summary tables should reflect the text. Consider summary impact tables showing only those categories where impacts differ among the alternatives and a table showing unavoidable impacts. Comments are identified in our comment table with "IA".

6. Section 2.6. Institutional and Regulatory Framework

The most significant elements seem to be identified here but there are errors in the content. The content of this section should not have any mistakes (or fabrications like C-FOG!). Some errors are identified in the DWR comment table. Individuals making the comments may be contacted directly for more information.